

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1138 be amended to read as follows:

- 1           Page 3, between lines 8 and 9, begin a new paragraph and insert:  
2           "SECTION 5. IC 4-33-12-1 IS AMENDED TO READ AS  
3           FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) This subsection  
4           does not apply to a riverboat that has implemented flexible scheduling  
5           under IC 4-33-6-21. A tax is imposed on admissions to gambling  
6           excursions authorized under this article at ~~a~~ **the following** rate: ~~of~~  
7                 **(1) In the case of a riverboat docked in a county described in**  
8                 **IC 4-33-1-1(1), four dollars (\$4) for each person admitted to**  
9                 **the gambling excursion. This admission tax is imposed upon**  
10                **the licensed owner conducting the gambling excursion.**  
11                **(2) In the case of a riverboat docked in a county described in**  
12                **IC 4-33-1-1(2), three dollars (\$3) for each person admitted to the**  
13                **gambling excursion. This admission tax is imposed upon the**  
14                **licensed owner conducting the gambling excursion.**  
15           (b) This subsection applies only to a riverboat that has implemented  
16           flexible scheduling under IC 4-33-6-21 or IC 4-33-6.5. A tax is  
17           imposed on the admissions to a riverboat that has implemented flexible  
18           scheduling under IC 4-33-6-21 or IC 4-33-6.5 at the following rate:  
19                (1) Four dollars (\$4) for each person admitted to a riverboat that  
20                docks in a county described in IC 4-33-1-1(3). This admission tax  
21                is imposed upon the operating agent of the riverboat.  
22                **(2) Four dollars (\$4) for each person admitted to a riverboat**  
23                **that docks in a county described in IC 4-33-1-1(1). This**  
24                **admission tax is imposed upon the licensed owner operating**

1       **the riverboat.**

2       ~~(2)~~ **(3)** Three dollars (\$3) for each person admitted to a riverboat  
3       that docks in ~~any other~~ a county **described in IC 4-33-1-1(2).**

4       This admission tax is imposed upon the licensed owner operating  
5       the riverboat.

6       SECTION 6. IC 4-33-12-6, AS AMENDED BY P.L.4-2005,  
7       SECTION 23, IS AMENDED TO READ AS FOLLOWS  
8       [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) The department shall place  
9       in the state general fund the tax revenue collected under this chapter.

10      (b) Except as provided by subsections (c) and (d) and IC 6-3.1-20-7,  
11      the treasurer of state shall quarterly pay the following amounts:

12      (1) Except as provided in subsection (k), one dollar (\$1) of the  
13      admissions tax collected by the licensed owner for each person  
14      embarking on a gambling excursion during the quarter or admitted  
15      to a riverboat that has implemented flexible scheduling under  
16      IC 4-33-6-21 during the quarter shall be paid to:

17      (A) the city in which the riverboat is docked, if the city:

18          (i) is located in a county having a population of more than  
19          one hundred ten thousand (110,000) but less than one  
20          hundred fifteen thousand (115,000); or

21          (ii) is contiguous to the Ohio River and is the largest city in  
22          the county; and

23      (B) the county in which the riverboat is docked, if the riverboat  
24      is not docked in a city described in clause (A).

25      (2) Except as provided in subsection (k), one dollar (\$1) of the  
26      admissions tax collected by the licensed owner for each person:

27          (A) embarking on a gambling excursion during the quarter; or

28          (B) admitted to a riverboat during the quarter that has  
29          implemented flexible scheduling under IC 4-33-6-21;

30      shall be paid to the county in which the riverboat is docked. In the  
31      case of a county described in subdivision (1)(B), this one dollar  
32      (\$1) is in addition to the one dollar (\$1) received under  
33      subdivision (1)(B).

34      (3) Except as provided in subsection (k), ten cents (\$0.10) of the  
35      admissions tax collected by the licensed owner for each person:

36          (A) embarking on a gambling excursion during the quarter; or

37          (B) admitted to a riverboat during the quarter that has  
38          implemented flexible scheduling under IC 4-33-6-21;

39      shall be paid to the county convention and visitors bureau or  
40      promotion fund for the county in which the riverboat is docked.

41      (4) Except as provided in subsection (k), fifteen cents (\$0.15) of  
42      the admissions tax collected by the licensed owner for each  
43      person:

44          (A) embarking on a gambling excursion during the quarter; or

45          (B) admitted to a riverboat during a quarter that has  
46          implemented flexible scheduling under IC 4-33-6-21;

47      shall be paid to the state fair commission, for use in any activity

that the commission is authorized to carry out under IC 15-1.5-3.  
 (5) Except as provided in subsection (k), ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person:

- (A) embarking on a gambling excursion during the quarter; or
- (B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the division of mental health and addiction. The division shall allocate at least twenty-five percent (25%) of the funds derived from the admissions tax to the prevention and treatment of compulsive gambling.

(6) Except as provided in subsection (k), sixty-five cents (\$0.65) of the admissions tax collected by the licensed owner for each person embarking on a gambling excursion during the quarter or admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21 shall be paid to the Indiana horse racing commission to be distributed as follows, in amounts determined by the Indiana horse racing commission, for the promotion and operation of horse racing in Indiana:

- (A) To one (1) or more breed development funds established by the Indiana horse racing commission under IC 4-31-11-10.
- (B) To a racetrack that was approved by the Indiana horse racing commission under IC 4-31. The commission may make a grant under this clause only for purses, promotions, and routine operations of the racetrack. No grants shall be made for long term capital investment or construction, and no grants shall be made before the racetrack becomes operational and is offering a racing schedule.

(c) With respect to tax revenue collected from a riverboat located in a historic hotel district, the treasurer of state shall quarterly pay the following amounts:

(1) Twenty-five percent (25%) of the admissions tax collected during the quarter shall be paid to the county treasurer of the county in which the riverboat is docked. The county treasurer shall distribute the money received under this subdivision as follows:

(A) Twenty percent (20%) shall be quarterly distributed to the county treasurer of a county having a population of more than thirty-nine thousand six hundred (39,600) but less than forty thousand (40,000) for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(B) Twenty percent (20%) shall be quarterly distributed to the

county treasurer of a county having a population of more than ten thousand seven hundred (10,700) but less than twelve thousand (12,000) for appropriation by the county fiscal body. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(C) Sixty percent (60%) shall be retained by the county where the riverboat is docked for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body shall provide for the distribution of part or all of the money received under this clause to the following under a formula established by the county fiscal body:

(i) A town having a population of more than two thousand two hundred (2,200) but less than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand three hundred (19,300) but less than twenty thousand (20,000).

(ii) A town having a population of more than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand three hundred (19,300) but less than twenty thousand (20,000).

(2) Sixteen percent (16%) of the admissions tax collected during the quarter shall be paid in equal amounts to each town that:

- (A) is located in the county in which the riverboat docks; and
- (B) contains a historic hotel.

The town council shall appropriate a part of the money received by the town under this subdivision to the budget of the town's tourism commission.

(3) Nine percent (9%) of the admissions tax collected during the quarter shall be paid to the historic hotel preservation commission established under IC 36-7-11.5.

(4) Twenty-five percent (25%) of the admissions tax collected during the quarter shall be paid to the West Baden Springs historic hotel preservation and maintenance fund established by IC 36-7-11.5-11(b).

(5) Twenty-five percent (25%) of the admissions tax collected during the quarter shall be paid to the Indiana economic development corporation to be used by the corporation for the development and implementation of a regional economic development strategy to assist the residents of the county in which the riverboat is located and residents of contiguous counties in improving their quality of life and to help promote successful and sustainable communities. The regional economic development

strategy must include goals concerning the following issues:

- (A) Job creation and retention.
- (B) Infrastructure, including water, wastewater, and storm water infrastructure needs.
- (C) Housing.
- (D) Workforce training.
- (E) Health care.
- (F) Local planning.
- (G) Land use.
- (H) Assistance to regional economic development groups.
- (I) Other regional development issues as determined by the Indiana economic development corporation.

(d) With respect to tax revenue collected from a riverboat that operates from a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), the treasurer of state shall quarterly pay the following amounts:

(1) Except as provided in subsection (k), one dollar (\$1) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the city in which the riverboat is docked.

(2) Except as provided in subsection (k), one dollar (\$1) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the county in which the riverboat is docked.

(3) Except as provided in subsection (k), nine cents (\$0.09) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the county convention and visitors bureau or promotion fund for the county in which the riverboat is docked.

(4) Except as provided in subsection (k), one cent (\$0.01) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the northwest Indiana law enforcement training center.

(5) Except as provided in subsection (k), fifteen cents (\$0.15) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during a quarter that has

implemented flexible scheduling under IC 4-33-6-21;  
shall be paid to the state fair commission for use in any activity  
that the commission is authorized to carry out under IC 15-1.5-3.

(6) Except as provided in subsection (k), ten cents (\$0.10) of the  
admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has  
implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the division of mental health and addiction. The  
division shall allocate at least twenty-five percent (25%) of the  
funds derived from the admissions tax to the prevention and  
treatment of compulsive gambling.

(7) Except as provided in subsection (k), sixty-five cents (\$0.65)  
of the admissions tax collected by the licensed owner for each  
person embarking on a gambling excursion during the quarter or  
admitted to a riverboat during the quarter that has implemented  
flexible scheduling under IC 4-33-6-21 shall be paid to the  
Indiana horse racing commission to be distributed as follows, in  
amounts determined by the Indiana horse racing commission, for  
the promotion and operation of horse racing in Indiana:

(A) To one (1) or more breed development funds established  
by the Indiana horse racing commission under IC 4-31-11-10.

(B) To a racetrack that was approved by the Indiana horse  
racing commission under IC 4-31. The commission may make  
a grant under this clause only for purses, promotions, and  
routine operations of the racetrack. No grants shall be made for  
long term capital investment or construction, and no grants  
shall be made before the racetrack becomes operational and is  
offering a racing schedule.

(e) Money paid to a unit of local government under subsection (b)(1)  
through (b)(2), (c)(1) through (c)(2), or (d)(1) through (d)(2):

(1) must be paid to the fiscal officer of the unit and may be  
deposited in the unit's general fund or riverboat fund established  
under IC 36-1-8-9, or both;

(2) may not be used to reduce the unit's maximum levy under  
IC 6-1.1-18.5 but may be used at the discretion of the unit to  
reduce the property tax levy of the unit for a particular year;

(3) may be used for any legal or corporate purpose of the unit,  
including the pledge of money to bonds, leases, or other  
obligations under IC 5-1-14-4; and

(4) is considered miscellaneous revenue.

(f) Money paid by the treasurer of state under subsection (b)(3) or  
(d)(3) shall be:

(1) deposited in:

(A) the county convention and visitor promotion fund; or

(B) the county's general fund if the county does not have a  
convention and visitor promotion fund; and

(2) used only for the tourism promotion, advertising, and economic development activities of the county and community.

(g) Money received by the division of mental health and addiction under subsections (b)(5) and (d)(6):

(1) is annually appropriated to the division of mental health and addiction;

(2) shall be distributed to the division of mental health and addiction at times during each state fiscal year determined by the budget agency; and

(3) shall be used by the division of mental health and addiction for programs and facilities for the prevention and treatment of addictions to drugs, alcohol, and compulsive gambling, including the creation and maintenance of a toll free telephone line to provide the public with information about these addictions. The division shall allocate at least twenty-five percent (25%) of the money received to the prevention and treatment of compulsive gambling.

(h) This subsection applies to the following:

(1) Each entity receiving money under subsection (b).

(2) Each entity receiving money under subsection (d)(1) through (d)(2).

(3) Each entity receiving money under subsection (d)(5) through (d)(7).

The treasurer of state shall determine the total amount of money paid by the treasurer of state to an entity subject to this subsection during the state fiscal year 2002. The amount determined under this subsection is the base year revenue for each entity subject to this subsection. The treasurer of state shall certify the base year revenue determined under this subsection to each entity subject to this subsection.

(i) This subsection applies to an entity receiving money under subsection (d)(3) or (d)(4). The treasurer of state shall determine the total amount of money paid by the treasurer of state to the entity described in subsection (d)(3) during state fiscal year 2002. The amount determined under this subsection multiplied by nine-tenths (0.9) is the base year revenue for the entity described in subsection (d)(3). The amount determined under this subsection multiplied by one-tenth (0.1) is the base year revenue for the entity described in subsection (d)(4). The treasurer of state shall certify the base year revenue determined under this subsection to each entity subject to this subsection.

(j) This subsection does not apply to an entity receiving money under subsection (c). For state fiscal years beginning after June 30, 2002, the total amount of money distributed to an entity under this section during a state fiscal year may not exceed the entity's base year revenue as determined under subsection (h) or (i). If the treasurer of state determines that the total amount of money distributed to an entity under this section during a state fiscal year is less than the entity's base year revenue, the treasurer of state shall make a supplemental

1 distribution to the entity under IC 4-33-13-5(g).

2 (k) This subsection does not apply to an entity receiving money  
3 under subsection (c). For state fiscal years beginning after June 30,  
4 2002, the treasurer of state shall pay that part of the riverboat  
5 admissions taxes that:

- 6 (1) exceed a particular entity's base year revenue; and
- 7 (2) would otherwise be due to the entity under this section;  
8 to the property tax replacement fund instead of to the entity.

9 **(l) This subsection applies only to a riverboat located in a county**  
10 **described in IC 4-33-1-1(1). The treasurer of state shall quarterly**  
11 **pay the following amounts of the admission tax collected by the**  
12 **licensed owner for each person embarking on a gambling excursion**  
13 **during the quarter or admitted to a riverboat that has implemented**  
14 **flexible scheduling under IC 4-33-6-21 during the quarter:**

15 (1) Forty cents (\$0.40) to the Gary/Chicago International  
16 Airport Authority to improve infrastructure and to match  
17 public and private grants.

18 (2) Thirty-five cents (\$0.35) to the shoreline environmental  
19 trust fund established by IC 36-7-13.5-19.

20 (3) Twenty-five cents (\$0.25) to a regional transportation  
21 authority described in IC 36-9-3-5(c) to finance, construct,  
22 improve, equip, operate, maintain, and promote public  
23 transportation within the jurisdiction of the authority."

24 Page 3, between lines 35 and 36, begin a new paragraph and insert:  
25 "SECTION 8. [EFFECTIVE JULY 1, 2005] IC 4-33-12-1 and  
26 IC 4-33-12-6, both as amended by this act, apply to the admission  
27 tax collected by a licensed owner for each person who, after June  
28 30, 2005:

29 (1) embarks on a gambling excursion; or

30 (2) is admitted to a riverboat that has implemented flexible  
31 scheduling under IC 4-33-6-21."

32 Renumber all SECTIONS consecutively.

(Reference is to HB 1138 as printed February 25, 2005.)

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Representative Harris E